THE IDENTIFICATION OF PRISONERS ACT, 1920
(XXXIII OF 1920).

G. N., H. D., No. 9322-II, dated 27th February 1936 (B. G., Pt. IV-A, p. 310).

S. 8 Bombay Identification of Prisoners Rules, 1936.

In exercise of the powers conferred by section 8 of the Identification of Prisoners Act, 1920 (XXXIII of 1920), the Governor in Council is pleased to make the following rules for the purpose of carrying into effect the provisions of the said Act, namely :—

1. *Short title.*—These rules may be called the Bombay Identification of Prisoners Rules, 1936.

2. *Definitions.*—In these rules, unless there be anything repugnant in the subject or context :

(*a*) " Act " means the Identification of Prisoners Act, 1920.
(*b*) " Section " means a section of the Act, and
(*c*) Words and expressions defined in the Act shall have the meaning assigned to them in the Act.

3. *Taking of photographs or measurements.*—Every person required to allow his photograph or measurements to be taken under section 3 or section 4, shall allow them to be taken under the directions of a Police Officer.

4. *Place at which measurements and photographs can be taken.*—(1) Measurements and photographs may be taken—

(*a*) in Jail, if the person whose photograph or measurements are to be taken, is in jail,
(*b*) at a Police Station or at any other place at which the Police Officer may direct the taking of the measurements or photographs, if the person whose photograph or measurements are to be taken, is in Police custody.

(2) If the person whose photograph or measurements are to be taken has been released from jail before his measurements or photograph have been taken or is not in Police custody, he shall on receipt of an order in writing from an officer in charge of a Police Station attend at such place as may be specified in such order, on the date and at the time stated therein, for the purpose of having his measurements or photograph taken.

5. *Restrictions on the taking of photographs.*—(1) The taking of photographs under section 3 shall ordinarily be restricted to persons having at least two convictions for an offence of the nature referred to in clause (*a*) of section 3 but a person convicted of counterfeiting coins or currency notes, or of cheating, robbery or dacoity, or a person who has exhibited considered preparation or unusual skill in the commission of his first offence may be photographed after the first conviction.

(2) Photographs under clauses (*b*), (*c*) and (*d*) of section 4 shall ordinarily be taken only with the permission of the Commissioner of Police in the City of Bombay and of the Superintendent of Police elsewhere.

6. *Restrictions on the service of an order under rule 4 for taking measurements and photographs again.*—No person whose photograph or measurements have been once taken under section 3 or 4 shall be required under sub-rule (2) of rule 4 to

attend at a Police Station or other place, to have such photograph or measurements taken again unless such person again becomes liable under section 3 or 4 to have his photograph or measurements taken or unless the photograph or measurements last taken are, in the opinion of the Deputy Inspector General of Police, Criminal Investigation Department, the Commissioner of Police, Bombay, the Officer in charge of Finger Print Bureau, or of any other local Police Officer, defective.

7. *Measurements have to be taken.*—(1) Measurements of the whole or of any part of the body may be taken.

(2) The measurements of a woman shall be taken by another woman with strict regard to decency.

8. *Method of measurements and photographs and their copies.*—(1) As many copies of finger print impressions may be taken as are required in accordance with the departmental rules for the time being in force and as many copies of foot-print impressions may be taken as may, in the opinion of the Police Officer taking them, be necessary, for the identification of the person concerned.

(2) Finger impressions shall be taken by applying printer's ink to the palmar surfaces of the fingers and thumbs above the first joint and then applying the surfaces so inked to a paper form prepared so as to show the impression of each finger or thumb in the space provided for it.

(3) Foot-print impressions shall ordinarily be taken by applying printer's ink to the sole of the foot and then applying the inked surface to a sheet of paper and/or by tracing the outline of the foot, with or without shoes or boots, on a sheet of paper.

(4) The photographs may be taken full face, side face, head, bust or full length.

(5) The person to be photographed shall, when he is not in jail, be first identified by two reliable witnesses and shall wear his ordinary clothes and shall be bare headed or wear head-gear, as required by the Police Officer under whose direction the photograph is being taken. Such person may also be required to allow himself to be photographed wearing any other kind of clothes if there is reason to suspect that he has worn such clothes for the commission of any offence.

9. *Custody and disposal of photographs and/or measurements taken under section 5.*—When a Magistrate of the First Class or a Presidency Magistrate directs under section 5 that any person shall allow his measurements or photograph to be taken, the measurements or photograph together with the negative and all copies thereof shall be handed over to the Magistrate giving such direction and shall remain the property of the Court, to be filed with the records of the Court, or otherwise used as the Court may deem fit, and shall subject to the provisions of section 7 be disposed of finally as the Court may order.

10. *Custody and disposal of photographs and/or measurements taken under section 3.*—Photographs and measurements taken under section 3 together with negatives and all copies thereof shall be recorded and kept in safe custody in the City of Bombay by the Commissioner of Police, and elsewhere by the Deputy Inspector General of Police, Criminal Investigation Department, Poona.

Spare copies of such measurements or photographs may be supplied to any Superintendent of Police or his subordinates within whose jurisdiction there is

reason to believe that the person to whom the said measurements or photographs relate has committed an office.

11. *Custody and disposal of other photographs and/or measurements.*—(1) Photographs and measurements taken under section 4 together with all negatives and copies thereof shall remain in the custody of police until the completion of the investigation or until the case is finally decided and thereafter shall, subject to the provisions of section 7, be disposed of as prescribed in sub-rule (2).

(2) The photographs and measurements—

(*a*) may, if the person to whom they relate is subsequently convicted, be retained by any of the following officers, namely :—

The Deputy Inspector General of Police, Criminal Investigation Department, Poona, the Commissioner of Police, Bombay, the District Superintendent of Police or any of his subordinates within whose jurisdiction the person was either convicted, or arrested, or is suspected to have committed an offence ;

(*b*) shall be retained by any of the officers mentioned in clause (*a*) if proceedings of the nature mentioned in clauses (*a*) and (*b*) of section 4 have been taken against the person whom they relate to or if such person has been arrested under section 55 of the Criminal Procedure Code or in connection with any offence specified in the schedule annexed to these rules and if the trying Court, or where the person is released without trial, in the City of Bombay the Commissioner of Police, and elsewhere the District Magistrate so directs, for reasons recorded in writing ;

(*c*) shall, if they are not retained under clause (*a*) or clause (*b*), be destroyed.

12. *Reproduction of photos and measurements in Police Gazette, etc.*—The Deputy Inspector General of Police, Criminal Investigation Department, Poona, or the Commissioner of Police, Bombay, may, in his discretion, order the reproduction in the Police Gazettes of photographs or measurements taken under these rules. All photozinco blocks prepared in connection with such publication shall remain in charge of the Deputy Inspector General of Police, Criminal Investigation Department, Poona.

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*SCHEDULE.

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* This Schedule has been revised by Government Circular, Home Department, No. 5694/5, dated the 31st July 1948.

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(*The Bombay District Police Act.*)

Sections.— 46 (*5*) and 61-D.

ACT VI OF 1924.

(*The Criminal Tribes Act.*)

Sections.— 22 and 24.

ACT XI OF 1923.

(*The Bombay Prevention of Prostitution Act.*)

Section.— 9, clause (*5*).

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* For Bombay City and Bombay Suburban District only.
† When the offence of trespass is committed with intent to commit theft.